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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,703	05/31/2000	Oleg B. Rashkovskiy	INTL-0409-US (P8992)	5209

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EXAMINER

LUU, LE HIEN

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,703

Applicant(s)

RASHKOVSKIY, OLEG B.

Examiner

Le H. Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13 and 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-3, 5-13, and 15-29 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13, and 15-29 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Compton et al. (Compton) patent no. 6,115,035, in view of Hatori patent no. 5,778,382, and Wesinger, Jr. et al. (Wesinger) patent no. 5,778,367.

4. As to claim 1, Compton teaches the invention substantially as claimed, including a method comprising:

automatically searching for streaming video files on a plurality of web sites (col. 2 lines 11-25; col. 3 lines 33-46; col. 4 lines 30-42; col. 5 lines 5-28; search engine inherently searches plurality of web sites);

selecting particular streaming video files from said plurality of web sites based on a text search using keywords (Compton, col. 3 lines 33-46; col. 4 lines 30-42; col. 5 lines 5-27; search engine inherently use text search using keywords search on plurality of web sites. Inherent teaching can be found in Wesinger, Jr. et al. patent no.

5,778,367; Wesinger, col. 2 lines 8-16; col. 9 lines 55-65); and

in response to said search, automatically generating representations of said streaming video files for display as a graphical user interface based streaming video programming guide (Compton, col. 4 lines 43-65; col. 7 line 16-27).

However, Compton does not explicitly teach organizing said streaming video files representations by said keywords for display.

Hatori teaches using keyword to denote a retrieval-result display area for displaying items of data retrieved with searched keyword (Hatori, figure 9; Abstract, col. 4 lines 30-48).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Compton and Hatori to organize said streaming video files representations by said keywords for display because it would allow items of data with the keyword are displayed at a predetermined area on a display screen.

5. As to claim 2, Compton teaches automatically searching for streaming video files includes automatically searching for predetermined file extensions associated with streaming video files (col. 4 lines 43-65, fig 3).

6. As to claim 3, Compton teaches automatically searching for streaming video files includes automatically searching for streaming video file extensions and for keywords in web sites associated with said streaming video files (Compton, col. 4 lines 30-42).

7. As to claims 5-7, Compton and Hatori teach displaying a graphical user interface containing representations of a plurality of keyword-defined categories and video files associated with said categories, representing each video file by a thumbnail frame, and playing said video file in response to a user selection of said thumbnail video (Compton, col. 4 lines 43-65; col. 7 line 16-27; Hatori, figure 9; Abstract, col. 4 lines 30-48).

8. As to claims 8-10, Compton and Hatori teach using said keywords as category icons and displaying a plurality of video files associated with each category icon, accessing said video file over the Internet in response to a user selection of said video file, and periodically automatically searching for streaming video files (Reilly, figure 10, col. 13 line 28 - col. 14 line 16).

9. As to claim 24, Compton and Reilly teach automatically searching the Internet includes automatically transmitting a request to a remote web server for a search engine to perform said Internet search (Compton, col. 4 lines 30-65; col. 7 line 16-27; Hatori, figure 9; Abstract, col. 4 lines 30-48).

10. Claims 11-13, 15-23, and 25-29 have similar limitations as claims 1-3, 5-10 and 24; therefore, they are rejected under the same rationale.

11. Applicant's arguments with respect to claims 1-3, 5-13, and 15-29 have been

considered but are deemed to be moot in view of the new grounds of rejection.

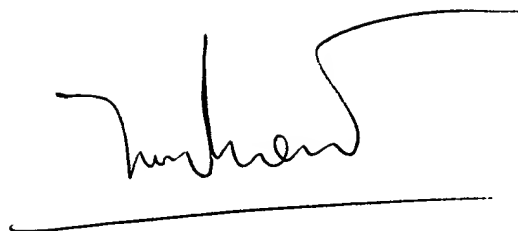
12. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Lou', is written above a horizontal line.

LE HIEN LOU
PRIMARY EXAMINER